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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,173	12/28/2001	P. Thomas Watson	BS01-325	4613

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EXAMINER

HAMZA, FARUK

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/029,173

Applicant(s)

WATSON ET AL.

Examiner

Faruk Hamza

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the application filed on December 28, 2001.

Claims 1-21 are now pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6, 7, 9 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out who or what is receiving, retrieving or comparing information. Applicant's also failed to point out these actions are done by internal or external or remote process.

4. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out who or what is sending instruction. Applicant's also failed to point out these actions are done by internal or external or remote process.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

7. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Krishnan et al. (U.S. Pub. 2003/0105679) hereinafter referred as Krishnan.

8. Krishnan has disclosed:

- <Claim 1>

A set top box comprising:

a connection to a network adapted to receive content from the network, an output adapted to send a signal to a television at least one resource, and a remote resource manager adapted to detect /sense the resource. (Fig. 1).

- <Claim 2>

The STB according to claim 1, wherein the remote resource manager sends information to a service provider. (Fig. 1).

- <Claim 3>

The STB according to claim 1, wherein the resource is a hard disk drive.
(Page 2, P [0018]).

- <Claim 4>

The STB according to claim 1, wherein the resource is memory. (Page 2, P [0019]).

- <Claim 5>

The STB according to claim 1, wherein the resource relates to tuner capabilities. (Fig. 2).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 6-17 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnan et al. (U.S. Pub. Number 2003/0105679) hereinafter referred as Krishnan as applied above, and further in view of Gazda et al. (U.S. Patent Number 6,453,470) hereinafter referred as Gazda.

11. With respect to claim 6,

Krishnan teaches sending and receiving information from and to STB (Page 3, P [0028]).

Krishnan doesn't explicitly teach comparing information. However, Gazda in an analogous art teaches comparing information. (Gazda, Fig.1, 110).

12. As to Claim 6, ~~disclosed~~ *Krishnan and Gazda teach:* ^(M)

A method for communicating with a remote set top box (STB) comprising the step of:

receiving a first item of information related to resources associated with the STB from the STB; and (Kishnan, Fig. 1; Page 3, P[0028])

comparing the first item of information with a second item of information, the second item of information being related to resources expected to be associated with the STB. (Gazda, Fig.1, 110).

As to claim 6, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Krishnan by adding functionality of detecting and verifying information that allows a user to have a system with greater portability. The incorporation of the detecting and verifying information in Krishnan would make the system versatile. (Gazda, Column 2, lines 14-16).

13. As to claim 6-17 and 20-21, the rational given above is applied in addition Krishnan teaches:

- <Claim 7>

The method according to claim 6, wherein the second item of information is received from a database. (Krishnan, Page 2, P[0023]).

- <Claim 8>

The method according to claim 6, wherein the first item of information includes information related to a fixed disc drive. (Krishnan, Page 2, [0018]).

- <Claim 9>

A method for remotely managing resources associated with a set top box (STB) comprising the steps of:

receiving a first item of information from the STB, wherein the first item of information relates to the resources associated with the STB; (Kishnan, Fig. 1; Page 3, P[0028])

retrieving a second item of information, wherein the second item of information, and

comparing the first item of information with the second item of information. (Gazda, Fig.1, 110).

- <Claim 10>

The method according to claim 9, wherein the second item of information

relates to an expected configuration of resources associated with the STB.
(Gazda, Column 3, lines 59-60).

- <Claim 11>

The method according to claim 9, wherein if a difference between the first item of information and the second item of information is detected, then an instruction is sent to the STB. (Krishnan, Page 2, [0017])

- <Claim 12>

The method according to claim 9, wherein the first item of information is received from a remote resource manager. (Krishnan, Page 3, P[0028])

- <Claim 13>

A method for remotely managing resources associated with an set top box (STB) comprising the steps of:

receiving a first item of information from the STB, wherein the first item of information relates to resources associated with the STB; (Kishnan, Fig. 1; Page 3, P[0028])

retrieving a second item of information from a database spaced from the STB, (Krishnan, Page 2, P [0023]). wherein the second item of information relates to an expected configuration of the STB; (Gazda, Column 3, lines 59-60).

comparing the first item of information with the second item of information;
(Gazda, Fig.1, 110) and

sending an instruction to the STB wherein the instruction is adapted to
perform a function on the STB. (Krishnan, Page 2, [0017])

- <Claim 14>

The method according to claim 13, wherein the instruction modifies an
amount of available disk space on a fixed disk drive associated with the STB.
(Krishnan, Page 1, P [0007])

- <Claim 15>

The method according to claim 14, wherein the instruction modifies an
amount of available disk space on a fixed disk drive associated with the STB by
instructing the STB to address only certain portions of the fixed disk drive.
(Krishnan, Page 1, P [0007])

- <Claim 16>

The method according to claim 14, wherein the instruction modifies an
amount of available disk space on a fixed disk drive associated with the STB by
instructing the STB to address additional portions of the fixed disk drive. (Krishnan,
Page 4, P[0034]).

- <Claim 17>

The method according to claim 13, wherein the instruction modifies a capability of a tuner. (Krishnan, Page 3, [0024]).

- <Claim 20>

The method according to claim 13, wherein the instruction is sent to a remote resource manager. (Fig. 1; Krishnan, Page 3, P[0028]).

- <Claim 21>

The method according to claim 13, wherein the instruction is adapted to be received by remote resource manager. (Fig. 1; Krishnan, Page 3, P[0028]).

14. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnan et al. (U.S. Pub. Number 2003/0105679) hereinafter referred as Krishnan as applied above, in view of Gazda et al. (U.S. Patent Number 6,453,470) hereinafter referred as Gazda and further in view of Perlman (U.S. Patent Number 6,742,182).

15. With respect to claim 18,

Krishnan teaches tuner for data transmission (Krishnan, Page 3, [0024]). Krishnan explicitly doesn't teach tuner to descramble channels.

However, Perlman in an analogous art teaches tuner to descramble channels. (Perlman, Column 6, lines 17-23).

16. As to claim 18,

The method according to claim 17, wherein the instruction modifies the capability of a tuner by permitting the tuner to descramble additional channels. (Perlman, Column 6, lines 17-23).

Since the inventions disclosed in Krishnan and Perlman encompass the same field of endeavor, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Krishnan by adding descrambling television signal that allows a user to have a system with greater portability. The incorporation of the descrambling television signal in Krishnan would make the system versatile. (Perlman, Column 2, lines 23-27).

17. As to claim 19, same rational given above is applied in addition Perlman teaches:

- <Claim 19>

The method according to claim 17, wherein the instruction modifies the capability of a tuner by preventing the tuner to descramble preselected channels. (Perlman, Column 2, lines 23-27).

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

- Hendricks et al. (U.S. Patent Number 6,828,993) discloses a set top terminal that stores programs locally and generates menus.
- Carpenter (U.S. Patent Number 6,745,245) discloses methods for managing access to set-top box.
- Sorensen (U.S. Patent Number 6,687,754) discloses a method of detecting a device in a network.
- AlSafadi et al. (U.S. Patent Number 6,467,088) discloses reconfiguration manager for controlling upgrades of electronic devices.
- Ozawa et al. (U.S. Pub. No. 2001/0030959) discloses a method for data delivery in set-top box.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faruk Hamza whose telephone number is 571-272-7969. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached at 571-272-3978. The fax

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phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll -free).

Faruk Hamza

Patent Examiner

Group Art Unite 2155


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SUPERVISORY PATENT EXAMINER